

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

Plaintiff,

v.

APPLE, INC.,
HACHETTE BOOK GROUP, INC.,
HARPERCOLLINS PUBLISHERS, L.L.C.
VERLAGSGRUPPE GEORG VON
HOLTZBRINK PUBLISHERS, LLC
d/b/a MACMILLAN,
THE PENGUIN GROUP,
A DIVISION OF PEARSON PLC,
PENGUIN GROUP (USA), INC. and
SIMON & SCHUSTER, INC.,

Defendants.

Civil Action No.12-CV-2826 (DLC)

**BOB KOHN'S MOTION TO STAY FINAL JUDGMENT
PENDING APPEAL**

Bob Kohn, on his own behalf and by his attorneys, hereby moves for a stay of execution of the Final Judgment pending appeal of the Court's Opinion & Order filed September 6, 2012. The grounds for this motion, as more fully set forth in the accompanying Memorandum, are that the Second Circuit standard for stay pending appeal is fully satisfied here, the harm to e-book consumers who would become victims of the Final Judgment are irreversible (while the alleged harm to e-book consumers pending the appeal may be tracked precisely by e-book resellers), and without a stay of execution of the Final Judgment, an appeal of these issues would become moot.

WHEREFORE, this motion should be granted and the Court should stay the execution of the Final Judgment pending appeal of the Court's Opinion & Order filed September 6, 2012. A form of proposed Order is attached.

Dated: September 7, 2012

Respectfully submitted,



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Pro Bono Counsel to Bob Kohn